
From: Kane, John
Sent: Tuesday, December 15, 2020 1:56 PM
To: Marcus Nussbaum
Cc: Pees, Robert; Fydrych, Victoria; Sharad, Saurabh; admin@tnydl.com; TAISA GURSHUMOVA; ifishkin@fishkinfirm.com
Subject: RE: Pozniak -- Expert Report
Attachments: Pozniak -- Responses to Interrogatories and Questions re Document Production.msg

Marc,

We are following up on our request below regarding the missing expert materials. In addition, you have not responded to the discovery-related questions we raised in the attached email on December 7. Please respond to these inquiries by the close of business today.

Regards,

John

From: Kane, John
Sent: Friday, December 11, 2020 11:34 AM
To: 'Marcus Nussbaum' <marcus.nussbaum@gmail.com>
Cc: Pees, Robert <rpees@AkinGump.com>; Fydrych, Victoria <vfydrych@akingump.com>; Sharad, Saurabh <sshared@akingump.com>; admin@tnydl.com; TAISA GURSHUMOVA <tglaw@yahoo.com>; ifishkin@fishkinfirm.com
Subject: RE: Pozniak -- Expert Report

Marc,

As explained in our December 9 email below, Vera Kishinevsky's Expert Witness Disclosure and the related written report are missing materials required by Fed. R. Civ. P. 26. Certain of those materials are also responsive to Petitioner's Document Request No. 5, to which you responded that Mr. Shwartzman would "produce S.P.'s entire medical file from Dr. Kishinevsky upon receipt of same from her" in the Responses and Objections, dated November 25.

Please produce the missing materials immediately in accordance with Fed. R. Civ. P. 26.

Regards,

John

From: Marcus Nussbaum <marcus.nussbaum@gmail.com>
Sent: Wednesday, December 9, 2020 4:43 PM
To: Kane, John <jkane@akingump.com>
Cc: Pees, Robert <rpees@AkinGump.com>; Fydrych, Victoria <vfydrych@akingump.com>; Sharad, Saurabh <sshared@akingump.com>; admin@tnydl.com; TAISA GURSHUMOVA <tglaw@yahoo.com>; ifishkin@fishkinfirm.com
Subject: Re: Pozniak -- Expert Report

****EXTERNAL Email****

John,

We are in receipt of your email and we are aware of the issues. We will revert back to you on this.

Marc

Regards,

Marcus A. Nussbaum, Esq.
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On Wed, Dec 9, 2020 at 10:09 AM Kane, John <jkane@akingump.com> wrote:

Marc,

We have some questions and requests in connection with Vera Kishinevsky's Expert Witness Disclosure and the related written report (together, the "Expert Materials"). Pursuant to Fed. R. Civ. P. 26, an expert's report must contain, among other things:

- a complete statement of all opinions the witness will express and the basis and reasons for them (Fed. R. Civ. P. 26(a)(2)(B)(i));
- the facts or data considered by the witness in forming them (Fed. R. Civ. P. 26(a)(2)(B)(ii));
- the witness's qualifications, including a list of all publications authored in the previous 10 years (Fed. R. Civ. P. 26(a)(2)(B)(iv));

- a list of all other cases in which, during the previous 4 years, the witness testified as an expert at trial or by deposition (Fed. R. Civ. P. 26(a)(2)(B)(v)); and
- a statement of the compensation to be paid for the study and testimony in the case (Fed. R. Civ. P. 26(a)(2)(B)(vi)).

The Expert Materials are missing much of this required information. In response to the requirements of Fed. R. Civ. P. 26(a)(2)(B)(i) – (ii), please provide all facts or data considered by Ms. Kishinevsky, including, but not limited to, any notes taken during the family therapy sessions upon which the Expert Materials are based. These documents are also responsive to Petitioner's Document Request No. 5. In addition, please provide all information required by Fed. R. Civ. P. 26(a)(2)(B)(iv) – (vi), which is completely missing from the Expert Materials.

Thank you,

John

John P. Kane

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